

3

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
DEC 18 P 4: 33

GERALD M. HOUGHTELING,

Plaintiff,

v.

Case Number: 08-CV-15187
Honorable Avern Cohn

MICHIGAN PAROLE BOARD,
BARBARA SAMPSON, *et.al.*,

Defendant.

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Plaintiff Gerald M. Houghteling, a Michigan prisoner currently confined at the Lakeland Correctional Facility in Coldwater, Michigan, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. In the complaint, Plaintiff raises *Foster-Bey*¹ issues, which challenge the Parole Board's alleged misuse and abuse of its procedures regarding the continued confinement of Michigan prisoners. The named defendants in the present case are the Michigan Parole Board, the Michigan Department of Corrections, Patricia Caruso, Barbara Sampson, and John Rubitschun.

¹*Foster-Bey v. Rubitschun*, No. 05-71318 (E.D. Mich. Feb. 7, 2008) (Battani, J.).

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. 28 U.S.C. § 1391(b). Public officials “reside” in the county where they serve. See *O’Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses, in the interest of justice.

Having reviewed the complaint, the Court finds that the United States District Court for the Western District of Michigan is a more appropriate forum for this action. Defendants reside in Ingham County for purposes of the present complaint. Ingham County lies in the Southern Division of the Western District of Michigan. See 28 U.S.C. § 102(b).

Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. 28 U.S.C. §§ 1391(b) and 1404(a).

A handwritten signature in black ink, appearing to read 'R. Whalen', is written above a horizontal line.

R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

DATED: December 18, 2008